

Claims 1 and 5-6 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Rubio (U.S. 6,475,203) Applicants respectfully traverse.

The present invention, as claimed in independent claim 1, is directed to a feminine hygiene pad comprising, inter alia, a main pad body having an absorbent core positioned between a cover material and a barrier layer, a main pad body thickness being defined as the dimension of the main pad body from the first face to the opposing second face, said absorbent core being adapted to not significantly extend beyond the anterior portion of the perineum of the wearer in use, said feminine hygiene pad further comprising a strip, said strip being substantially planar and relatively small in thickness compared to the main pad body thickness, said feminine hygiene pad further comprising an adjustment means whereby the length of said strip is adjustable by the wearer. (emphasis added)

It is respectfully submitted that the Rubio reference fails to teach or fairly suggest the above emphasized expedients. More particularly, Rubio teaches a feminine hygiene pad having a wider absorbent front portion and a narrower, elongated rear portion. Rubio fails to disclose or fairly suggest the expedient of a cover material and a barrier material, an absorbent core that is adapted to not significantly extend beyond the anterior portion of the perineum of the wearer in use, and wherein the feminine hygiene pad further comprises a strip, said strip further comprising an adjustment means. Contrary to the assertion of the Patent Office, Figure 2 does not disclose as much as alleged by the Patent Office. Figure 2 is a side edge elevational view of the feminine hygiene pad of Figure 1 and it is unclear from the Figures or the written description that this pad indeed possesses a cover layer and a barrier layer. To the contrary, from the Figures, it appears that the top and bottom of the pad are formed from the same material, the identity of which is undisclosed. Moreover, there are no dimensions provided in the description that would indicate that an absorbent core, if present, is adapted to not significantly extend beyond the anterior portion of the perineum of the wearer in use. Finally, with regard to the expedient of an adjustment means, the Rubio reference is completely silent with regard to this feature. Should the Patent Office persist with the present rejection, Applicants respectfully request support, in the form of an

identification of column and line number, where Rubio allegedly discloses these expedients. In the absence of such support, withdrawal of the present rejection is accordingly respectfully requested.

With respect to claim 5, this claim has been rejected under 35 U.S.C. 102(e) as being anticipated by Rubio. On page 2 of the present Office Action, the Patent Office has tacitly acknowledged that claim 5 is not anticipated since it is the position of the Examiner that "it would have been obvious to one of ordinary skill in the art at the time of the invention to construct the feminine hygiene pad of Rubio with an area of adhesive, to provide a means of attachment." In view of the foregoing, claim 5 cannot be considered to be anticipated by Rubio.

With regard to claim 6, Applicants have carefully reviewed the Rubio reference and have failed to find any disclosure or suggestion of a front flap. As more clearly shown in Figure 2, element 14 is merely the front edge of the forward pad and is not a flap. Applicants respectfully request withdrawal of the present rejection of claim 6.

Claim 1-3 and 5-11 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Samuelsson (U.S.6,425,890) Applicants respectfully traverse.

Samuelsson discloses an absorbent article having a hour-glass shape. This reference does not disclose or fairly suggest any of the expedients in Applicants present invention directed to a main pad and a strip being substantially planar and relatively small in thickness compared to the thickness of the main pad body, the strip extending rearwardly from said rear end of the main pad body, and wherein the feminine hygiene pad further comprising an adjustment means whereby the length of said strip is adjustable by the wearer.

The portion of the pad that the Patent Office alleges is a strip is merely the rear portion of the absorbent article. It has the same thickness as the front portion of the absorbent article, it is not adapted, in use to be placed between a wearer's buttocks, and it lacks an adjustment means.

In view of the foregoing, Applicants believe claims 1-3 and 5-11 are patentable over Samuelsson and withdrawal of the present rejection is accordingly respectfully requested.

Claims 2-4 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubio in view of Sturino (U.S. 5,713,886). Applicants respectfully traverse.


Claims 2-4 are dependent from an allowable base claim and thus is considered to be patentable for the above reasons of record.

**Allowable subject matter:**

Claims 19-22 have been indicated as being in condition for allowance and Claims 12-18 have been indicated as being allowable if rewritten to include any limitations of the base claim and any intervening claims. Applicants appreciate the identification of the above allowable subject matter in these claims. In view of the above remarks, Applicants believe that claims 12-18 are allowable in their current form over the cited references for the above reasons of record.

In view of the foregoing, Applicants respectfully request reconsideration and allowance of the pending claims.

Respectfully submitted,

  
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